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ABSTRACT

To assist the youthful learner of English as a second language in dealing with basic legal situations such as making a contract or going to small claims court, a series of dialogs, comprehension questions, readings, and points of discussion are presented. The text is illustrated. (JB)

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ED195145

STUDENT LESSON #10

LEGAL QUESTIONS

English for Living

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OBJECTIVES

When you finish this module you will be able to:

1. Explain what a sales contract is.
2. Get help from the consumer agencies if there is a problem with your sales contract.
3. Explain who the most important people in a courtroom are, and what they do.
4. Explain some of the differences between a civil trial and a criminal trial.
5. Participate in a small claims court proceeding.
6. Get legal aid help if you need it.
7. Follow the necessary steps in order to protect your rights if you are arrested.

SITUATION SETTER: A SALES CONTRACT

A contract is an agreement between people. For example, one person may agree to buy a car, an encyclopedia, or furniture from another person or from a store. A contract is usually printed on a form (paper).

DIALOG: BUYING FURNITURE

Rafael and Lucia are in the Midtown Furniture Store. They want to buy some furniture for their living room. The salesman has been showing them some couches.

Salesman: Have you made up your mind?

Rafael: Yes. We'll take this one. It's expensive, but my wife likes it.

Salesman: Okay. I have the sales contract right here. If you will just sign your name, I'll order it for you. Please wait here.

Lucia: Wait a minute, Rafael.
Rafael: What's the matter?
Lucia: Remember what we learned about signing contracts?
Rafael: Well, I know that once I sign my name, I can't change my mind.
Lucia: Yes, usually that's true.*
Rafael: Then what's the trouble?
Lucia: You didn't read the contract. You have to be sure that you understand what you are signing.
Rafael: You're right.

* If a salesman *comes to your house*, and you buy something from him, he may ask you to sign a contract. If you change your mind after he leaves, you have three days in which to stop the contract and get your money back.

Salesman: Well, I have the contract right here. Now, if you'll just sign right here . . .
Rafael: Wait a minute. We want to read it first.
Salesman: It's just a standard contract. Everybody signs them.
Rafael: No, I'm sorry. We want to be sure.
Salesman: Okay. If there is any part that you don't understand, I'll help you.
Lucia: Thank you.

MICROCONVERSATIONS: Practice these conversations with another student.

MICROCONVERSATION 1: Signing a Contract

Student A: O.K. If you'll just sign your name right here . . .
Student B: Wait a minute. I want to read it first.
Student A: Why?
Student B: I want to check on the price that I have to pay.
when it'll be delivered.
what will happen if the wrong thing is delivered.
what will happen if it's damaged.

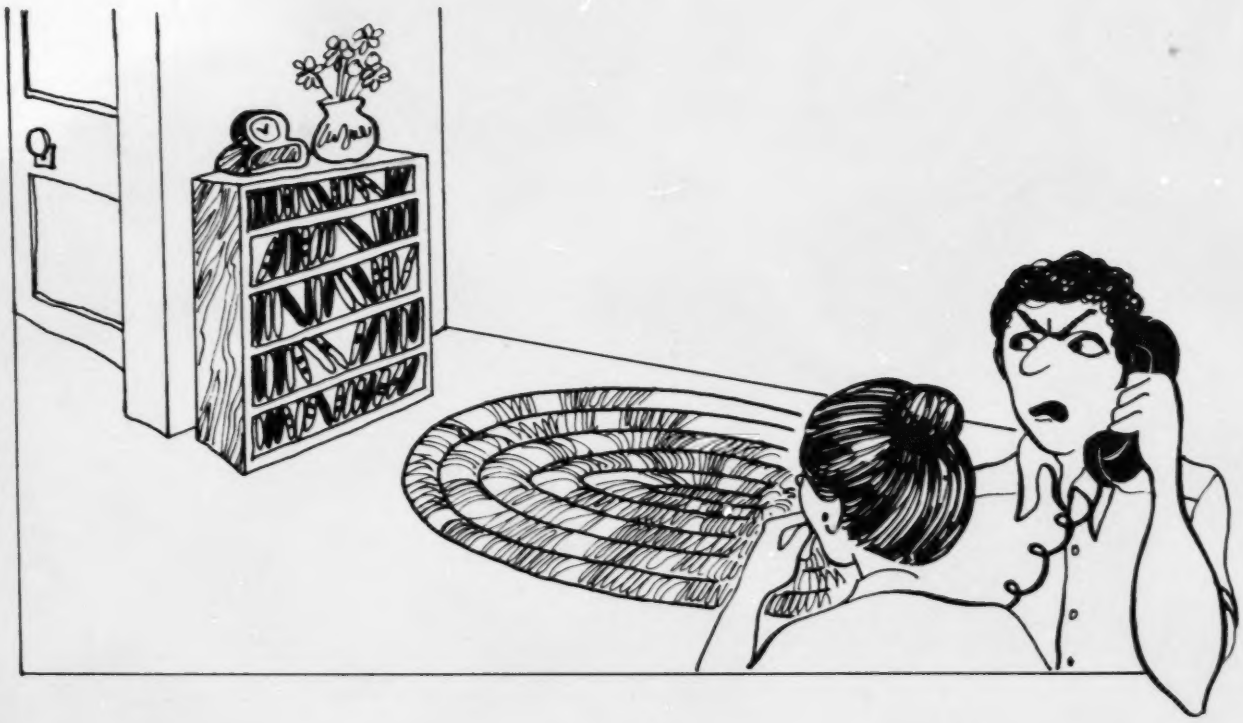
MICROCONVERSATION 2: Reading the Contract

Student A: I don't understand all the words in this contract.
Student B: Then don't sign it. Ask someone to help you.
Student A: O.K. We'll come back later with my neighbor.
my friend who is a lawyer.
my son.
my daughter.

DIALOG: TROUBLE WITH THE SALES CONTRACT

Rafael and Lucia bought the couch. They have waited for two months and the couch has not been delivered to their house. They have already paid for it. Their contract said that it would come in three weeks. Rafael is calling the store again.

Rafael: May I speak to the manager, please?
Manager: This is Mr. Green. Can I help you?
Rafael: Yes, we are still waiting for the couch that we bought two months ago.
Manager: Yes, well, my truck driver hurt his back, and we haven't been able to make deliveries.
Rafael: But that's what you told me the last time I called.
Manager: Don't worry. You'll have it in a few days.
Rafael: You also said *that* last time I called! Good-bye.



DIALOG: DECIDING WHAT TO DO

Rafael: We're never going to get the couch.
Lucia: No, and they won't give us our money back, either.
Rafael: What should we do?
Lucia: We can call someone who will help us.
Rafael: That's a good idea. Let's call the Consumer Protection Board. They can help us; and there is no charge.* Their number is in the phone book.

* You don't have to pay them for their help.

DIALOG: THE COUCH ARRIVES

Rafael: Calling the Consumer Protection Board was a good idea.
Lucia: Yes, that store delivered the couch right away when the board called them.
Rafael: I'm really glad that they helped us.
Lucia: So am I. I like the new couch, too!

MICROCONVERSATIONS: Practice these conversations with another student.

MICROCONVERSATION 1: Consumer Problems

Student A: The furniture hasn't come yet; and the store won't do anything about it.
is damaged;
isn't what we ordered;
is the wrong color;

Student B: Let's get help.

MICROCONVERSATION 2: Getting Help

Student A: Who should I call for help?

Student B: You can call the Consumer Protection Board.
the Consumer Fraud Bureau.
the Better Business Bureau.
the local TV station. It has someone who helps consumers.
the newspaper. It has someone who helps consumers.
the Chamber of Commerce.

Student A: Where can I find their phone number?

Student B: Look in the phone book, or call the information operator.

COMPREHENSION QUESTIONS

1. What is a contract?
2. Can you change your mind after you have signed a contract in a store?
3. If the salesman comes to your home and you sign a contract, can you change your mind? When?
4. What should you do before you sign a contract?
5. Can you bring someone to the store to help you read the contract?
6. If the store does not deliver what you have ordered, is there anything you can do?
7. Where can you go for help with a consumer problem?
8. Do you have to pay for their help?

POINTS FOR DISCUSSION

1. Have your parents ever signed a contract? What was it for?
2. Was it hard to understand the words in the contract? Did they ask someone to help them? Could you help them?
3. Did they ever order something from a store, and the wrong thing came to your house? Did they complain to the store? Did the store deliver the item that your parents ordered?
4. Have your parents ever called a place that helps consumers. Describe what happened.
5. Why are there special rules for contracts that are signed in your home? Do you think that sometimes people are "talked into" buying something that they don't really want?
6. Is it a good idea to keep your copy of the contract in case there is a problem?

ROLE PLAY

1. You are shopping in a furniture store. The salesman gives you a contract to sign, and you want to check it before you sign it. Ask the salesman questions about the contract before you sign it.
2. Your furniture arrived and it is damaged. The store won't take it back. You call the Consumer Protection Board and ask them to help you. Explain what happened.

THE COURTROOM

Rafael and Lucia are watching a trial in a courtroom. In the United States, trials are almost always open to the public. People who are watching the trial sit in the spectators' seats.

Lucia: Who's the man wearing the black robe?
Rafael: He's the judge. The place where he is sitting is called the bench.
Lucia: Is he the man who runs the trial?
Rafael: Yes. He makes sure that everyone understands what laws are being talked about.
Lucia: If the lawyers or the jury are not sure about a certain question, what does the judge do?
Rafael: He explains it to them.
Lucia: He has to know a great deal about the laws.
Rafael: Yes, he does.

COMPREHENSION QUESTIONS

1. Who runs the trial?
2. What does the judge have to do?
3. Who sits in the spectators' seats?

Lucia: You said something about the jury. Is that a group of 12 people who are listening to the trial?
Rafael: Yes, the jury usually has 12 people.* They have to listen to people from both sides of the argument. Then they decide who is right and who is wrong.
Lucia: How do they decide?
Rafael: At the end of the trial, they go into a room by themselves. They talk about everything that they saw and heard during the trial.
Lucia: That must take a long time.
Rafael: Sometimes the jury talks about a trial for many days.
Lucia: How do they finally decide on a verdict?
Rafael: They vote. Nobody knows how each person is voting. It's a secret. When all of the people on the jury agree on the same verdict, they go back into the courtroom.
Lucia: Then what do they do?
Rafael: They go into the courtroom and tell the judge what their decision, or verdict, is.

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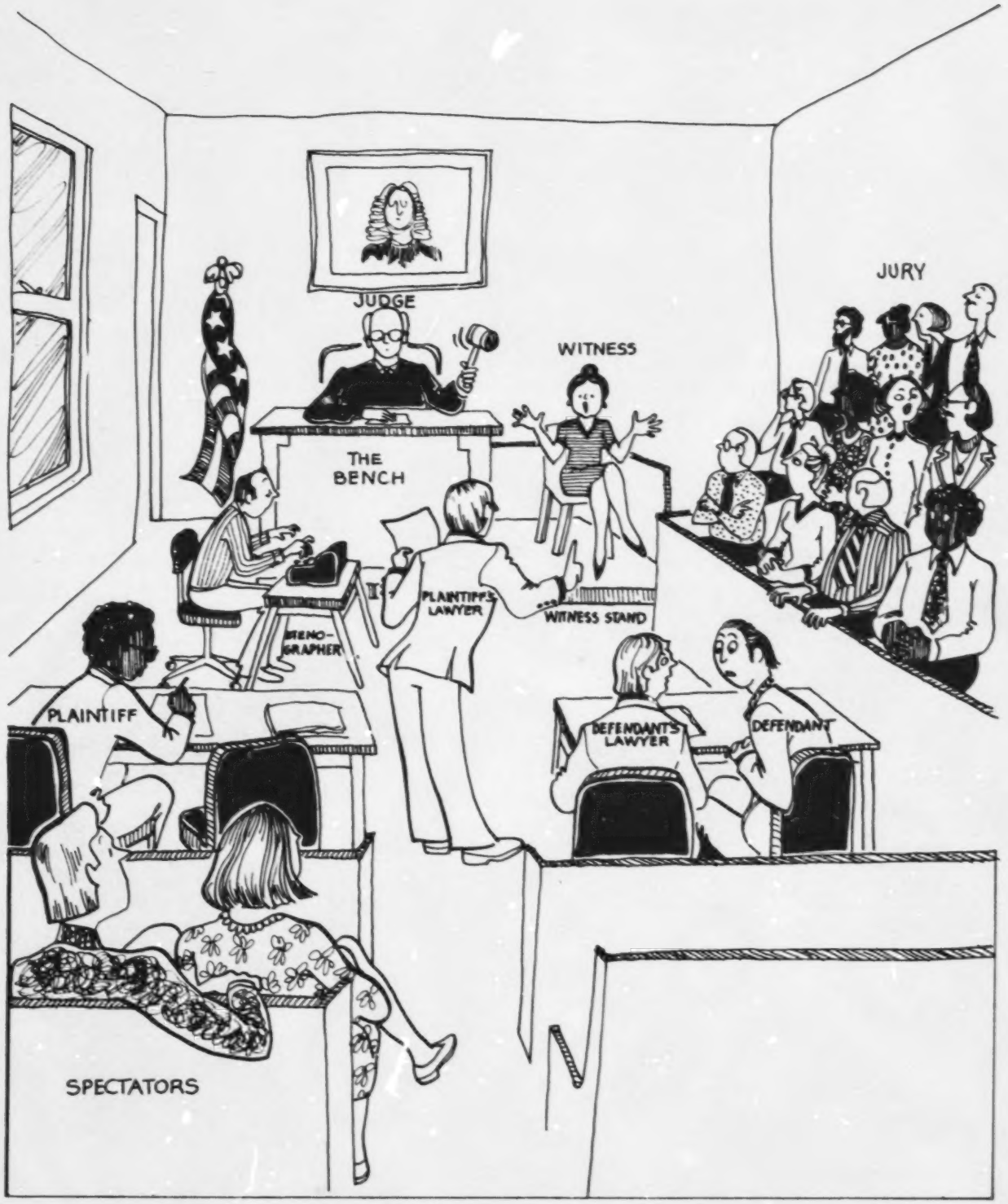
* In certain kinds of trials, the jury only has six people.


JUDGE
JURY
WITNESS
THE BENCH
PLAINTIFF'S LAWYER
WITNESS STAND
STENO-GRAPHER
PLAINTIFF
DEFENDANT'S LAWYER
DEFENDANT
SPECTATORS

COMPREHENSION QUESTIONS

1. How many people are usually on a jury?
2. Who decides who is right and who is wrong?
3. How does the jury decide?

Lucia: If there are two sides in a trial, what are they called?
Rafael: One side is called the prosecution. That's the side that wants to prove that somebody did something wrong and that they should be punished.
Lucia: Then what is the other side called?
Rafael: The other side is called the defense. The lawyer for the defense tries to show that the person who is on trial is innocent.
Lucia: Do the people who are on trial talk to the judge and the jury?
Rafael: No. Usually they have a lawyer. A lawyer is a person who goes to school to learn about the law. He or she also knows what to do in a courtroom.
Lucia: Don't the people who are on trial ever speak in the courtroom?
Rafael: Yes, when the lawyers ask them questions on the witness stand.

COMPREHENSION QUESTIONS

1. The prosecution is _____.
2. The defense is _____.
3. Who helps the people who are on trial?

Lucia: What's a witness?
Rafael: A witness is a person who knows what happened, or saw or heard what happened. He or she can talk about the accident or crime.
Lucia: Do both sides have witnesses?
Rafael: Usually both lawyers have their own witnesses. They also ask questions of the witness for the other side.
Lucia: I guess the witness stand is the place where the witnesses go to answer questions?
Rafael: You're right. Before they answer the questions, they have to promise to tell the truth.
Lucia: It sounds as if the witnesses can be very important.
Rafael: Yes, they are. The jury listens to everything that the witnesses say before it makes up its mind.

* * * * * * *

Lucia: Who is that man who looks like he's typing?
Rafael: He's the court stenographer. He writes down everything that is said during the trial.
Lucia: Does he ever speak during the trial?
Rafael: Yes, if the judge wants to hear something a second time, he asks him to read it to him. This helps him to understand what the lawyers and the witnesses are saying.

COMPREHENSION QUESTIONS

1. What does the witness do? Is what he or she says important?
2. Does anybody write down what is being said in the courtroom? What is that person called?
3. Can anybody walk into a courtroom and watch a trial?

FOR ADVANCED STUDENTS: More information on the courtroom

MINI-DIALOGS

1. Criminal Court

Lucia: I understand that there are two different kinds of trials.

Rafael: Yes, there are criminal cases and civil cases. In criminal cases, a man who works for the State (the District Attorney) has to prove that the person on trial stole money, attacked somebody, or killed somebody, etc.

* * * * * * *

2. Civil Court

Lucia: What kind of court do I go to for a serious problem with my landlord? He won't give me heat or hot water, and I don't want to pay my rent.

Rafael: You would have to get your own lawyer and go to civil court. Your landlord would bring his lawyer.

Lucia: Does civil court have a jury?

Rafael: Sometimes. Very often it's only a judge who decides who's right. The person who is complaining is called the plaintiff. The other person, like your landlord, is called the defendant.

* * * * * * *

3. The Jury

Lucia: Does every court case have a jury?

Rafael: No. Criminal cases usually have a jury. Civil cases sometimes have a jury, and sometimes just a judge listens to the case and decides on a verdict.

* * * * * * *

4. The Jury

Lucia: Who are the people on the jury?

Rafael: They are just citizens of the United States who are asked to be on the jury. It is not important what their jobs are, whether they are rich or not, or where they came from. If both lawyers from both sides agree that the person will do a good job and be fair, he or she is accepted.

* * * * * * *

5. Appealing to a Higher Court

Lucia: What happens if you lose the trial?

Rafael: In the United States, the losing side in civil and criminal court cases can usually appeal to a higher court. They can appeal if there is a question about the fairness of the trial.

COMPREHENSION QUESTIONS

1. Are there different kinds of courts in the United States?
2. What kind of case is it when a person says that somebody attacked or killed another person?
3. What kind of case is it if you have serious trouble with your landlord?
4. Does a civil case usually have a jury?
5. After the trial is finished, if you do not believe that the trial was fair, what can you do?
6. Does every trial have a jury? What trials may not have a jury?
7. What does the plaintiff do?
8. What does the defendant do?
9. Does a criminal case usually have a jury?

* * * * * * *

POINTS FOR DISCUSSION

1. What do you think about juries? Do you think that this is a good way to decide who is guilty and who is not?
2. In your country, do they have courts and juries?
3. Have you ever seen a trial? What was it like?
4. Have you ever seen a trial on television? Describe it.
5. Do you think that a guilty person can sometimes "win" a case if he or she has a good lawyer, or if the facts are not understandable?
6. What do you think about a court system that might let a guilty person go free? Should it be changed? If yes, how?

ROLE PLAY

1. Look at the illustration of the courtroom. You are in a courtroom with a friend. Explain what all the different people are doing. What are the people called? What kind of trial do you think it is?
2. Choose 12 members of the class to be a jury. Choose one person to be the plaintiff, one person to be the plaintiff's lawyer, one person to be the defendant, one person to be the defendant's lawyer, and one person to be the judge. The defendant is a landlord who is not taking care of his building. The plaintiff thinks that the building is dangerous to live in, and he won't pay his rent until the landlord fixes it. Argue the case. Have the judge tell the jury what to do. Then have the jury go out of the room to discuss the case, and to decide who is right. When they have reached a verdict, have them come back into the room and tell everybody what they have decided.
3. Make up your own trial with the other members of the class. Decide on a problem. It could be a disagreement between students in the classroom, something that really happened to one of the students, or something that the students saw on television. Act out the different parts of a trial. Decide who is right and who is wrong.

SMALL CLAIMS COURT

READING

There are other kinds of courts besides civil and criminal courts. Small claims court is for a person who has a problem that must be decided by a judge. You don't need a lawyer. The two people who disagree tell their stories to the judge. The judge decides who is right. Small claims court is only for cases which involve $1,000 or less.

MICROCONVERSATIONS: Practice these conversations with another student.

MICROCONVERSATION 1

Student A: The cleaner made a hole in my new coat!

Student B: Tell him that you want him to pay you for a new coat.
fix the coat.
give you money so that you can have it fixed.

Student A: He won't do it. What should I do?

MICROCONVERSATION 2

Student A: Did you talk to the cleaner about fixing your coat?
Student B: He told me that it was an old coat. He won't give me any money.
Student A: Then you have to call your lawyer.
find out about small claims court.
make him go to court and let the judge decide who's right and who's wrong.

MICROCONVERSATION 3

Student A: I have to go to small claims court today.
Student B: Why? What happened?
Student A: I have to go because a car backed into my fence.
the cleaner tore my new suit, and he won't pay.
John Doe owes me $200, and he won't pay it to me.
I own a store, and somebody owes me money, and won't pay me.

COMPREHENSION QUESTIONS

1. Do you need a lawyer for small claims court?
2. What are some of the problems that people bring to small claims court?
3. Did you ever need a small claims court. What did you do to solve your problem?
4. Does small claims court have a jury?
5. Who decides on which person is right?
6. How much money is involved in a small claims case?

ROLE PLAY

The cleaner damaged your new coat and he won't pay you for it. Go to small claims court with him, and tell the judge what happened. (The person who is the cleaner could also tell his side of the story. Maybe the coat was damaged before it was brought to the cleaner.)

PROTECTING YOUR RIGHTS IF YOU ARE ARRESTED

DIALOG

Situation Setter

Rafael and Lucia saw a TV program last night. A man was arrested by the police. The police officer had to read something to the man about what his rights are if he is arrested.

Rafael: Remember the "City Police" show last night on TV?

Lucia: Yes. Did you understand the story?

Rafael: I understood most of it, but what did the police officer read to the man who was arrested?

Lucia: He was reading him his rights.

Rafael: What are a person's "rights" when he is arrested?

Lucia: He has the right to remain silent. This means that he does not have to say anything at all to anybody, not even to the police officer.

Rafael: What other rights does he have?

Lucia: He has the right to have a lawyer who can help him.

Rafael: What happens if he starts to talk?

Lucia: He really shouldn't talk to anybody until he has a lawyer who can tell him what to do.

Rafael: Why is it a good idea to remain silent?

Lucia: Do you remember what the police officer said when he read the man his rights? Did you hear the officer say, "Anything you say may be held against you in a court of law?"

Rafael: Yes. What does that mean?

Lucia: It means that the police officer, or anyone else whom the arrested man talks to can repeat what he said in court.

Rafael: What happens if they repeat what he said.

Lucia: It can be very harmful. It can incriminate* someone.

MIRANDA WARNING

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

WAIVER

After the warning and in order to secure a waiver, the following questions should be asked and an affirmative reply secured to each question.

1. Do you understand each of these rights I have explained to you?
2. Having these rights in mind, do you wish to talk to us now?

* Your teacher can explain this word to you.

Rafael: It's really important to wait for a lawyer to help you, isn't it?

Lucia: Yes. Did you know that if you don't speak English, you have a right to have an interpreter who can explain everything to you in your own language?

Rafael: So, if you are arrested, you should not talk to anyone unless your lawyer is present? An interpreter should also be present, if needed?

Lucia: That's correct. That is what is meant when we say that your rights will be protected.

Rafael: Thank you for explaining it to me. It's important to know about this.

Lucia: Yes, it is.

COMPREHENSION AND DISCUSSION QUESTIONS

1. Have you ever seen a police program on TV? Was anyone arrested?
2. When somebody is arrested, what do the police have to read to them?
3. If you are arrested, do you have to answer the police officer's questions? What should you tell the police officer? Should you tell the police officer that you want a lawyer?
4. Does everybody have the right to have a lawyer when they are arrested?
5. What does "Anything you say may be held against you" mean? Can you give an example?
6. When somebody was arrested in your country, did the police have to read them their rights? Is this done in other countries?
7. What should you do if you are arrested and you don't speak English?
8. Do you think that the reading of the rights is a good idea?
9. Why do we have this law in the United States?
10. Can you explain what the word "rights" means?

ROLE PLAY

You have just been arrested. The police officer is asking you a lot of questions about where you were, what you were doing, and who you were with. Tell him or her that you won't answer any questions until you have a lawyer.

DIALOG: LEGAL AID

Rafael and Lucia are talking about people who need help from a lawyer.

Rafael: I know that everybody has the right to have a lawyer, but aren't some lawyers very expensive?

Lucia: Yes, if you have a difficult problem, you may have to pay a lot of money for a lawyer's help.

Rafael: What if you don't have enough money?

Lucia: If you don't have enough money to hire a lawyer, there are many ways that you can still get help.

Rafael: What if you have to go to a criminal court? What if you are accused of killing someone and don't have enough money to hire a lawyer?

Lucia: In a criminal case, every county *must* have a lawyer who will help the accused person. Sometimes the county hires a lawyer and pays him or her, and sometimes the county has its own lawyers for people who need their help. This is called *assigned counsel*, because the lawyer is given the case by the judge.

Rafael: What is a public defender?

Lucia: That is also a lawyer who works for the county and helps people who cannot pay for a lawyer. The county pays him or her.

Rafael: If you have to go to civil court, can you still get a lawyer if you can't afford to pay?

Lucia: Yes, most cities and large countries have something called *Legal Aid.* Legal Aid is usually for civil cases.

Rafael: How can you get help from Legal Aid?

Lucia: You have to show that you earn less than $55 a week if you are not married, or less than $75 a week if you are married. For each child, you can earn another $10 a week, and still get Legal Aid.*

Rafael: How old do you have to be to get Legal Aid?

Lucia: You can be any age. There is no requirement.

Rafael: Can I just call Legal Aid and make an appointment to see a lawyer?

Lucia: Yes. They will tell you when to come to the office.

COMPREHENSION QUESTIONS

1. Can you get help from a lawyer if you can't afford to pay the lawyer?
2. Where can you go for legal help in a civil case?
3. Who will get a lawyer for you in a criminal case?
4. What is "assigned counsel"? What is a "public defender"? Are they the same?
5. How much money can an unmarried person earn each week, and still get help from a Legal Aid lawyer? How much money can a married person earn and still get help?
6. How do you make an appointment to see a Legal Aid lawyer?

DISCUSSION QUESTIONS

1. Do you think that Legal Aid is a good idea?
2. What would happen if poor people could not have lawyers because they could not afford to pay them?
3. Have you ever needed help from a lawyer? What did you do?
4. Do you know where there is a Legal Aid office near you?
5. Lawyers can help you with many problems. What are some of these problems?

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* The financial requirements are based on the Federal Poverty Index. Ask your teacher to explain what that is.